

Remarks

The following remarks are responsive to the Office Action dated January 25, 2007.

At the time of the Office Action claims 1-16 were pending. Claims 1-16 stand rejected under 35 U.S.C. § 103(a). In particular, claims 1-3, 6, and 9-13 stand rejected as obvious over Nishigaki (JP Publication No. 11-196297) in view of Winkler (European Publication No. 1246434). Claims 4 and 5 stand rejected as obvious over Nishigaki in view of Winkler and further in view of Steele (U.S. Patent No. 5,973,694). Claims 7-8 and 15-16 stand rejected as obvious over Nishigaki in view of Winkler and further in view of Kurase (U.S. Patent Application Publication No. 2002/0063783). Finally, claim 14 stands rejected as obvious over Nishigaki in view of Winkler, in view of Kurase and further in view of Niikawa (U.S. Patent Application Publication No. 2004/0201767).

By the present amendment, claims 1, 3, 7-9, and 13-15 have been amended. In particular, claims 1 and 13 have been amended to more particularly and distinctly recite the Applicant's claimed invention. In addition, claims 3, 7-9, and 13-15 have been amended to eliminate a lack of antecedent basis. Claim 2 has been canceled. No new matter has been added.

Claim 1 is amended to incorporate the timing and sizing concepts from as-filed claim 2 and as described in, for example, paragraph 48 of the specification. The Office Action has rejected claim 1 as being obvious over Nishigaki in view of Winkler. The Applicant respectfully disagrees with the characterization of the cited references. The Office Action states on page 3 that Nishigaki in view of Winkler teaches that "the selected menu item is magnified for a set time and then returned to its original size." Neither Nishigaki nor Winkler teaches magnifying a selected menu item for a predetermined set time and automatically returning it to its original size after that predetermined set time has elapsed, as is required by amended claim 1. Nishigaki and Winkler each teach that a user must perform an action, e.g., pressing a key, in order to change the appearance of a selected menu item from magnified back to its original size. In addition, because a user could perform that action at any time, the "set time" is variable and not predetermined. To this end, Applicant submits that claim 1 is allowable over the cited art of record. Moreover, claims 3-12 that depend from claim 1 are allowable for at least the foregoing reasons.

Claim 13 is amended to clarify that the step of sequentially magnifying menu items occurs automatically as described in, for example, paragraph 48 of the specification. The Office Action has rejected Claim 13 as being obvious over Nishigaki in view of Winkler. The Office Action admits on page 6 that “Nishigaki does not explicitly disclose determining whether an impaired vision mode is set and that said sequentially magnification to the menu items is done when an impaired vision mode is set.” However, the Office Action states on pages 6-7 that “taking the combined teaching of Nishigaki in view of Winkler as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki to determine whether an impaired vision mode is set and to sequentially magnify the selected menu items if the impaired vision mode is set. The motivation to do so would have been to allow the user to better recognize the items to be selected while operating the camera even when the camera screen is of small size.”

Neither Nishigaki nor Winkler teaches automatically sequentially magnifying and displaying each menu item, as is required by amended claim 13. Nishigaki and Winkler each teach that a user must perform an action, e.g., pressing a key, in order to change from displaying one menu item to a next menu item. To this end, Applicant submits that claim 13 is allowable over the cited art of record. Moreover, claims 14-16 that depend from claim 13 are allowable for at least the foregoing reasons.

Applicant points out that the present invention is of a nature that may be readily understood — once it is examined as disclosed in the application and expressed in the claims. As such, the tendency to use the elements of the claimed invention as a roadmap to conclude that the invention is obvious is particularly strong. The Federal Circuit has warned that “the very ease with which the invention can be understood may prompt one to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.” *Richard Ruiz and Foundation Anchoring Systems, Inc. v. A.B. Chance Co.*, 357 F.3d 1270, 69 USPQ2d 1686 (Fed. Cir. 2004). The Office Action relies upon a variety of features of a variety of references, which could only be done when the claims of the present application are, impermissibly, used as a guide:

It is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). This court has previously stated that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.”

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In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992).

For at least these reasons, Applicants respectfully request withdrawal of the rejections based upon obviousness.

Accordingly, Applicants submit that all of the claims are allowable over the combinations of cited references. In view of the foregoing remarks and arguments, allowance of all pending claims is respectfully requested.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Brian C. Rupp, Reg. No. 35,665
DRINKER BIDDLE & REATH LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 (telephone)
(312) 569-3000 (facsimile)
Customer No. 08968

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